REMARKS

The present response is being submitted in reply to the Office action issued on November 29, 2005. Claims 1-17 are pending in this application, each of which has been rejected in the present Office action. By the present response, claims 1-7 and 9-17 have been amended and new claims 18-20 have been added. Support for new claims 18-20 may be found in the specification, such as at paragraph [0009]. No new matter has been added. Reconsideration is respectfully requested in light of the amendments being made hereby and of the following remarks.

Rejection of claims 2, 5 and 6 under 35 U.S.C. 112, second paragraph

Claims 2, 5 and 6 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner states that it is not clear which 'member' recitation of "the member" refers to or which 'catch member' said "catch member" refers to. The Examiner suggests that "can," or "is able to" or "is adapted to" be inserted before "flexes" inasmuch as is best understood by the Examiner. The Examiner notes that it is believed that the claim is for a product, and not for a process of using.

The Applicant submits that claims 2, 5 and 6 have been amended accordingly. Withdrawal of this rejection is requested.

Rejection of claims 1-6, 13 and 14 under 35 U.S.C. 102(b)

Claims 1-6, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,050,322 (Miller). According to the Examiner, Miller teaches the

Applicant's claim limitations, including "first and second catch members, each comprising a shaft" (the narrow portion leading up to hooked engaging end) and "base" (the portion immediately adjacent to the shaft that is generally perpendicular to the respective shaft). The Examiner also states that as regards the functionally-recited 'prying' limitation, the claimed invention does not include a prying instrument such as a screwdriver and the recitation is not intended as a step in a process of using where the claimed invention is a product. In addition, the Examiner states that a prying tool such as a screwdriver inserted in the space between 4a and 9 in Figure 3 of Miller will cause the narrow space between said first and second members to increase and for the flexible projections to flex towards each other.

Regarding claim 2, the Examiner states that both catch members would flex away from the member to which the catch member is attached.

Regarding claim 13, the Examiner states that spring 18 read on the functional recitation very broadly defining the "lock member," where the structure is not defined.

The Applicant respectfully disagrees with the Examiner's conclusion and submits that the present invention is patentably distinct from the invention disclosed in the Miller reference. Furthermore, the Applicant submits that each and every feature set forth in the present claims as amended is not taught or disclosed by the cited reference, and therefore the reference does not anticipate the present invention as set forth in the presently rejected claims.

The present invention provides a catch assembly for securing first and second members which are movable relative to each other. The present assembly comprises a

first and second flexible catch member, each of which comprises an L-shaped shaft terminating in a projection. The flexible catch members are flexible in response to the insertion of a prying member into the space between the shaft of either catch member and the corresponding adjacent first or second member for affecting an increase in the narrow space between the first and second members and the catch members and for flexing the projections towards each other for enhancing the engagement of the projections with each other. The Applicant submits that the present claims have been amended to clearly specify these features of the present invention.

Turning now to a discussion of Miller in light of the amended claims, Miller fails to teach or disclose each and every claimed limitation of the present invention. In particular, Miller fails to teach a first and second flexible catch member, each of which comprises an L-shaped shaft. As clearly shown in Figures 3-5 of Miller, keeper plate 9 is a substantially flat member and does not include an L-shaped shaft portion as in the present invention. Moreover, keeper plate 9 is "fixedly secured to the outer flange 2a of the vertical channel 2 on the jamb 1 of the casing B" and is therefore not a flexible member. (col. 2, lines 25-28) Clearly, Miller fails to teach two flexible L-shaped catch members in accordance with independent claims 1 and 13.

Because each and every feature of the present invention as recited in the present claims is not set forth in Miller, the Applicant submits that the reference does not anticipate the present invention as defined in claims 1-6, 13 and 14. It is also the Applicant's opinion that it would not even have been obvious to one skilled in the art to have modified the device of Miller in order to make up for the aforementioned

deficiencies. The Applicant submits that one skilled in the art would not have been motivated to modify the teachings of Miller, nor would there even have been a reasonable expectation of success if one were to have modified it. Therefore, the Applicant submits that an obviousness-type rejection under Section 103 would not be applicable in this instance. It is respectfully requested that this rejection be withdrawn.

Rejection of claims 1-6 and 8-14 under 35 U.S.C. 102(b)

Claims 1-6 and 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,971,580 (Tatlinger). According to the Examiner, Tatlinger teaches the Applicant's claim limitations, including "first and second catch members, each comprising a shaft" (the narrow portion leading up to hooked engaging end) and "base" (the portion immediately adjacent to the shaft that is generally perpendicular to the respective shaft). The Examiner also states that as regards the functionally-recited 'prying' limitation, it has been interpreted as a capability, but it is noted that it does not further define any particular structure. In this case, the Examiner notes that a prying tool such as a screwdriver inserted in the space between 10 and 15 in Figure 1 of Tatlinger will cause the narrow space between the first and second members to increase and for the flexible projections to flex towards each other with increased bearing stress.

Regarding claim 12, the Examiner states that Tatlinger discloses a row of windows, inherently disclosing "at least four catch members," i.e., a pair on at least each window, each catch members of each pair in opposition to the other of the pair.

Regarding claim 13, the Examiner states that part 35 reads on the functional recitation defining "lock member" where the structure is not defined.

The Applicant respectfully disagrees with the Examiner's conclusion and submits that the present invention is also patentably distinct from the invention disclosed in the Tatlinger reference. Furthermore, the Applicant submits that each and every feature set forth in the present claims as amended is not taught or disclosed by the cited reference, and therefore the reference also does not anticipate the present invention as set forth in the presently rejected claims.

As noted above, the present invention provides a catch assembly for securing first and second members which are movable relative to each other. The present assembly comprises a first and second flexible catch member, each of which comprise an L-shaped shaft terminating in a projection. The flexible catch members are flexible in response to the insertion of a prying member into the space between the shaft of either catch member and the corresponding adjacent first or second member for affecting an increase in the narrow space between the first and second members and the catch members and for flexing the projections towards each other for enhancing the engagement of the projections with each other. The Applicant submits that the present claims have been amended to clearly specify these features of the present invention.

Turning now to a discussion of Tatlinger in light of the amended claims, Tatlinger fails to teach or disclose each and every claimed limitation of the present invention. In particular, Tatlinger fails to teach a first and second flexible catch member each of which comprise an L-shaped shaft. As clearly shown in Figures 1 and 2 of Tatlinger, neither integral latching flange 17 nor latching flange 30 is a flexible catch member having an L-shaped shaft portion, as is recited in the present claims of the present invention. In

contrast, latching flange 17 has an acute interior angle while latching flange 30 is a curved member. Moreover, Tatlinger fails to disclose that both latching flange 17 and latching flange 30 are flexible L-shaped members in accordance with the presently claimed invention.

Because each and every feature of the present invention as recited in the present claims is not set forth in Tatlinger, the Applicant submits that the reference does not anticipate the present invention as defined in claims 1-6 and 8-14. It is also the Applicant's opinion that it would not even have been obvious to one skilled in the art to have modified the device of Tatlinger in order to make up for the aforementioned deficiencies. The Applicant submits that one skilled in the art would not have been motivated to modify the teachings of Tatlinger, nor would there even have been a reasonable expectation of success if one were to have modified it. Therefore, the Applicant submits that an obviousness-type rejection under Section 103 would not be applicable in this instance. It is respectfully requested that this rejection be withdrawn.

Rejection of claims 1-3, 5-7 and 10-15 under 35 U.S.C. 102(b)

Claims 1-3, 5-7 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,446,824 (Sluiter). According to the Examiner, Sluiter teaches the Applicant's claim limitations, including "first and second catch members, each comprising a shaft" (the narrow portion leading up to hooked engaging end) and "base" (the portion immediately adjacent to the shaft that is generally perpendicular to the respective shaft). The Examiner also states that as regards the functionally-recited 'prying' limitation, it has been interpreted as a capability, but it is noted that it does not

further define any particular structure. In this case, the Examiner notes that a prying tool such as a screwdriver inserted in the space between 31 and 35 in Figure 8 of Sluiter will cause the narrow space between the first and second members to increase and for the flexible projections to flex towards each other with increased bearing stress.

Regarding claim 7, the Examiner refers to Figure 7 of the reference.

Regarding claims 13 and 15, the Examiner states that the portions of object 28 that grasp 26 read on the broad limitation of the "lock member," where the structure is not defined in the claim that might be relied upon to patentably distinguish it from the noted structure of the prior art where it is noted that pushing the noted portions of 28 towards 25/27 moves the arrangement into the assembled/locked position.

The Applicant respectfully disagrees with the Examiner's conclusion and submits that the present invention is patentably distinct from the invention disclosed in the Sluiter reference. Furthermore, the Applicant submits that each and every feature set forth in the present claims as amended is not taught or disclosed by the cited reference, and therefore the reference does not anticipate the present invention as set forth in the presently rejected claims.

To reiterate, the present invention provides a catch assembly for securing first and second members which are movable relative to each other. The present assembly comprises a first and second flexible catch member, each of which comprise an L-shaped shaft terminating in a projection. The flexible catch members are flexible in response to the insertion of a prying member into the space between the shaft of either catch member and the corresponding adjacent first or second member for affecting an increase in the

narrow space between the first and second members and the catch members and for flexing the projections towards each other for enhancing the engagement of the projections with each other. The Applicant submits that the present claims have been amended to clearly specify these features of the present invention.

Turning now to a discussion of Sluiter in light of the amended claims, Sluiter fails to teach or disclose each and every claimed limitation of the present invention. In particular, Sluiter fails to teach a first and second flexible catch member each of which comprise an L-shaped shaft. As clearly shown in Figure 8 of Sluiter, hooks 32, 35 are both substantially curved. Moreover, Sluiter fails to teach that hooks 32, 35 are flexible members. In particular, the walls 25, 26 can be joined to one another by sliding each of the hooks 32, 35 into the undercut cavity 33, 36 of the other shaped section in the longitudinal direction of said shaped sections in contrast to the presently claimed invention. Clearly, Sluiter fails to teach two flexible L-shaped catch members in accordance with the present independent claims 1 and 13.

Because each and every feature of the present invention as recited in the present claims is not set forth in Sluiter, the Applicant submits that the reference does not anticipate the present invention as defined in claims 1-3, 5-7 and 10-15. It is also the Applicant's opinion that it would not even have been obvious to one skilled in the art to have modified the device of Sluiter in order to make up for the aforementioned deficiencies. The Applicant submits that one skilled in the art would not have been motivated to modify the teachings of Sluiter, nor would there even have been a reasonable expectation of success if one were to have modified it. Therefore, the

Applicant submits that an obviousness-type rejection under Section 103 would not be applicable in this instance. It is respectfully requested that this rejection be withdrawn.

Conclusion

In light of the foregoing claims and arguments, it is believed that the present application is in condition for allowance, and such action is earnestly solicited. The Examiner is invited to call the undersigned if there are any remaining issues to be discussed which could expedite the prosecution of the present application.

Respectfully submitted,

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By: _____
D. Peter Hochberg
Reg. No. 24,603

D. Peter Hochberg Co., L.P.A.
1940 E. 6th St. – 6th Floor
Cleveland, OH 44114-2294
(216) 771-3800
DPH/SM